Organics Subcommittee Meeting Summary

April 29, 2015, 1:00 – 3:00 PM MassDEP, One Winter Street, Boston, MA

All presentations are posted on the MassDEP website at http://www.mass.gov/eea/agencies/massdep/news/advisory-committees/swac-organics-subcommittee-.html.

Introductions and MassDEP Updates

Sustainable Materials Recovery Program Municipal Grants for Organics

- Application Due Date: June 10, 2015
- Website: http://www.mass.gov/eea/agencies/massdep/recycle/grants/smrp-grants.html
- There are three grant categories related to organics materials management:
 - Carts for organics collection can provide up to \$20 per cart and up to \$10 per household per year (for the first two years) for pilot program start up costs
 - Drop off organics collection equipment including funding for educational materials and up to \$2,500 for transportation/processing costs within the first two years
 - Waste reduction projects including organics collection programs serving businesses – between \$10,000 - \$100,000 – contact MassDEP first
 - Organics capacity projects between \$10,000 \$500,000 contact MassDEP first at least 85% must go towards capital costs

WasteWise Forum

• The next WasteWise Forum will be held on June 4 at the Whole Foods Corporate Office in Cambridge. This forum will focus on food donation. For additional information, please see http://www.recyclingworksma.com/wastewise/.

State Contracts

- There are several state contracts available for products and services to support state facility programs to divert food materials from disposal. For more information, see https://www.commbuys.com/bso/. These include:
- FAC85: EPP Cleaning Products, Programs, Equipment & Supplies
 - o Compost containers are part of category 6
 - o Biodegradable bag liners are part of category 9
- FAC86: Solid Waste and Recycling Services
 - Includes food waste collection services
- FAC79: Landscaping and Green Roof Products, Playground Equipment, Site Amenities and Related Products

New RecyclingWorks Compost Site Technical Assistance Program

Lorenzo Macaluso of RecyclingWorks in Massachusetts provided a presentation on a new technical program available to compost site operators in Massachusetts. This presentation is posted along with the meeting summary. Participants raised several questions and comments.

- **Q:** Does MassDEP have template documents for odor control plans and other similar requirements?
- A: No, but MassDEP can provide sample plans. In addition, the consultants that provide technical assistance will address and make recommendations for odor control practices as part of their visit and assistance.
- Q: Has MassDEP worked with public health agencies to develop this assistance program?
- **A:** No, however, the technical assistance checklist includes addressing coordination with the local community and ensuring that specific local concerns are addressed.
- Q: What is the cost differential between composting and trash disposal for food materials?
- A: This varies depending on several factors. However, above the one ton per week threshold set in the commercial organics ban, diverting food materials from disposal typically either results in slight savings, or is cost neutral. It is critical to adjust trash disposal services to realize this savings. MassPORT has had success with adding monitors to trash compactors to ensure that they are only hauled when needed.

Development of Food Donation Best Management Practices

Lorenzo Macaluso of RecyclingWorks in Massachusetts provided an overview of the work that RecyclingWorks in Massachusetts is doing to develop recommendations for food donation best management practices. This presentation is posted online along with this meeting summary.

Draft Legal Factsheets on Tax Incentives, Liability, and Food Labeling

Emily Broad Lieb, Ona Balkus, and Emily Deddens of the Harvard Food Law Policy Clinic summarized fact sheets that they have prepared on the topics of food labeling, liability, and tax incentives. The Harvard Law School Food Law and Policy Clinic (FLPC) is an experiential learning program as part of Harvard Law School. Most of the FLPC's work is done on the Federal level, however this project is to develop Massachusetts specific fact sheets to support and inform food donation. Please see the draft fact sheets posted with these meeting notes for more details.

Discussion of Food Donation Best Management Practices

If the food being donated is not food that would be sold, how can we ensure that the food is treated like food and not like waste?

- Food pantries have to accept food from an "approved source." If the donor is a licensed food
 establishment they would be an "approved source" in this context. Some food banks and
 food rescue organizations are concerned with how food donors store and treat food to be
 donated. Some do this very well, but they also have had donors that do not store and handle
 donated food properly.
- If the store treats food for donation as a waste, it may not be handled appropriately.
- Food is usually not donated because it is bad/inedible there are many reasons food could be donated (overstock, slow sales, culled for aesthetic reasons, etc.)
- Liability protection only extends to food that is 'apparently wholesome'.

Best Management Practices Recommendations

- Treat any food for donation as if it was food intended to be sold, follow ServSafe guidelines and any other applicable Health Code Guidelines to be in compliance with safe food handling requirements for food that is sold.
- When referring to food for donation it should not be referred to as 'waste' as that may send
 the wrong message and cause food donations to be mishandled. Food for donation is edible
 food refer to it with terminology such as 'surplus food', 'food products', 'food for
 donation', etc.

How is food currently stored, what are organizations' experiences with picking up/receiving food?

- Some donor organizations set aside space in their cold storage area for food for donation.
 This food for donation is segregated from their other stock.
- Open Door (Gloucester) picks up from Trader Joe's (TJ's) frequently
 - o TJ's stores food in a refrigerated area until it is picked up.
 - o If the food is not appropriate in quality for a donation it is refused for pickup.
 - Building trust-based relationships with the organizations that are donating food is essential.
- Lovin' Spoonfuls (Boston)
 - Works in teams, with food safety trained staff on each team, to ensure that food safety policies are followed.
 - Do not pick up any food that is questionable.
- Whole Foods Market
 - o Time/temperature logs are kept for food to be donated.
 - Temperature logs are kept while food is in storage.
 - Temperature is measured when the food is picked up for donation.

Best Management Practices Recommendations

- Set up appropriate food storage areas to comply with temperature storage requirements for the particular food item. Store it there until it is being picked up for transport.
- Reject any food that may not have been handled or stored properly when assessed at pickup.
- Establish a Memorandum of Understanding (MOU) between the donator and the transportation/recipient organization, to include
 - o Quantities of food to be donated, and interval of pickup
 - o Proper handling and transportation techniques for donated food

Risk reduction through training (ServSafe, etc)

- Risk to food contamination can be reduced via training and certification such as ServSafe.
 - The goal of BMPs is to provide information to organizations looking to donate food so they have guidelines to follow.
 - o BMPs cannot eliminate bad actors, but can ensure that there is available information for 'good actors' to follow and to provide a level playing field.
- *Comprehensive Guidelines for Food Recovery Programs*, Food Recovery Committee at the 2000 Conference for Food Protection, 2007
 - o Provides guidelines for safe food handling, as it pertains to food donations.
 - o Was developed by people in Food Protection programs.

Best Management Practices Recommendations

- Receiving agencies and donors should have appropriate food handling and safety training.
- Donor and recipient organizations should have a MOU that covers how food for donation should be handled and stored.
 - Information contained in the Comprehensive Guidelines for Food Recovery
 Programs and other food donation guides can serve as a basis for handling and storage procedures.
- All staff involved with handling food for donation should be trained about the donation program and how to safely handle and store food for donation.

Food transportation and containers used for transportation

- Some food is transported for donation in black 'trash' bags
 - o In order to effectively donate food on a larger scale, using plastic bags is sometimes necessary.
 - Food For Free uses bags that are provided by Food Donation Connection
 - o Sometimes bags can get ripped/torn.
 - o Can be hard to tell what is inside bags without labels.
 - Other containers can be expensive and burdensome to use (labor to clean, storage space, etc.)

- Drivers may not know safe food handling protocols
- Donor and recipient have information on proper handling, but the transporter may not
- May not know how long the food was in transit for

Best Management Practices Recommendations

- If possible, use rigid sided containers with air-tight seals
 - o If such containers are not feasible, take steps to mitigate damage to plastic bags
 - Clearly label bags as food for donation
 - Use a different color bag (than trash) if possible
- Ensure that transportation group/driver has appropriate training in safe handling and transportation of food
- Create a MOU between the transporter and the recipient or donator organization
 - Include safe handling procedures
 - Contact information
 - Chain of custody procedure
 - Timestamp/sign when it departs donator, timestamp/sign when it reaches recipient organization

Food Labeling - Dates

- Under Food Donation Act, all local and state labeling requirements must be met.
- Date labeling can be challenging, particularly for packaged prepared foods, which may be good past the date they are removed from the shelf.
 - o Possible to dual-date these items, with 'Prepared on' and 'Best by' dates
- Date labeling is not indicative of quality and 'wholesomeness' of food
 - In many cases, food that is not fit for consumption may be better judged by appearance and smell
- Food that is past date may still be donated as long as it as 'apparently wholesome', and separated from food that is past date, and clearly labeled.
- It would be helpful to disseminate information that date labeling is not indicative of food wholesomeness.
 - Educate consumers on how to inspect food to better judge what is safe to eat.

Best Management Practices Recommendations

- Alter in-house date labeling to reflect that food is still good past the date listed, or adopt dualdate labeling.
- Separate past-date foods and label them as past date.

Food Labeling – Allergens

• Under Food Donation Act, all local and state labeling requirements must be met, which includes allergen labeling

- Prepared foods may not always have the same ingredients between preparations
 - o Challenging with having an index of recipes on hand
- Potential contaminates and allergens may be unknown for some foods

Best Management Practices Recommendations

- If the allergen information on a product is unknown, a generic labeling warning should be used that the food potentially contains allergens and that people with allergies should be cautious
- When a complete ingredient list is available it should be included on the label of each unit of donated food, if feasible

Differences between municipal Health Boards and food donation requirements/recommendations

- There is a lot of conflicting information about food donation and how it should be done from one municipality to another.
- The set of BMPs being developed will provide a helpful set of guidelines for organizations to use as a basis for their food donation programs.
- When developing a new food donation program check with the local Health Board or Health Agent to see what their specific requirements are.

Best Management Practices Recommendations

• Best management practices should be shared extensively with local health agents in coordination with the state Department of Public Health.

Hot Bar Foods

- Concerns regarding contamination, time/temperature storage, allergen labeling

Best Management Practices Recommendations

- Ensure that the hot bar food was monitored by ServSafe trained staff, and that contaminated food is removed from the bar and NOT donated.
- Keep time/temperature logs of food for donation
 - Ensure that any food that does not meet time/temperature requirements is NOT donated.
- Either label foods with allergen information or put a generic allergen warning on the foods.

Take-away thoughts/information

- Food for donation should be handled in the same way as food that is being sold.
- Trust-based relationships are important for ensuring that food is being donated in a safe and responsible manner

- Codifying procedures and agreements between organizations is important in building trust and a shared understanding.
- Risk and bad actors cannot be eliminated, but having trainings and procedures in place can greatly mitigate risk and improve food handling by establishing shared expectations between donors and recipient agencies.
- There is conflicting information about how or if food can be donated.
- Date labels are not indicative of food quality or fitness for consumption.
- These Best Management Practices are meant as a guideline for entities interested in food donation.
 - o They are not intended to be the "end-all-be-all" guide to food donations
 - o Entities should check with their local Health Board about local requirements
- These Best Management Practices are not indented to prevent bad actors from acting negligently.
 - Bad actors cannot be eliminated.
 - The more information is available to willing, responsible organizations, (both donors and recipients) the more likely they will be able to safely and effectively run a food donation program.